

REMARKS

In the Office Action dated December 05, 2007, the Examiner objected to claims 4-15, 17-26, 30-35, and 40-44 under 37 CFR § 1.75(c) as being in improper multiple dependent form; rejected claims 1-3 and 27-29 under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,053,003 to Dadson et al. ("Dadson") in view of U.S. Patent No. 4,999,885 to Lee ("Lee"); and rejected claims 36-39 under U.S.C. § 103(a) as being unpatentable over Lee in view of Dadson. Applicant could not find where the Examiner addressed claim 16.

By this Reply, Applicant has amended claims 1-35, and has cancelled claims 36-44. Accordingly, claims 1-35 are currently pending in this application. No new matter has been added by this Reply.

OBJECTION TO MULTIPLE DEPENDENT CLAIMS

The Examiner objected to claims 4-15, 17-26, 30-35, and 40-44 under 37 C.F.R. § 1.75(c) as being in improper multiple dependent form. Applicant has amended claims 4-15, 17-26, and 30-35 to remove all multiple dependencies (claims 40-44 having been cancelled). Accordingly, Applicant asks the Examiner to withdraw this objection.

REJECTION UNDER § 103(a)

In the Office Action, the Examiner rejected claims 1-3 and 27-29 under U.S.C. § 103(a) as being unpatentable over Dadson in view of Lee and rejected claims 36-39 under U.S.C. § 103(a) as being unpatentable over Lee in view of Dadson. Applicant traverses these rejections.

Several basic factual inquiries must be made in order to determine the obviousness or non-obviousness of claims of a patent application under 35 U.S.C. §

103. These factual inquiries, set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459, 467 (1966), require the Examiner to:

- (1) Determine the scope and content of the prior art;
- (2) Ascertain the differences between the prior art and the claims in issue;
- (3) Resolve the level of ordinary skill in the pertinent art; and
- (4) Evaluate evidence of secondary considerations.

The obviousness or non-obviousness of the claimed invention is then evaluated in view of the results of these inquiries. *Graham*, 383 U.S. at 17-18, 148 U.S.P.Q. at 467; see also *KSR Internat'l Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385 (U.S. 2007); see also M.P.E.P. § 2141(II).

Applicant traverses the Examiner's rejection of claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over Dadson in view of Lee at least because the Examiner has not properly determined the scope and content of the prior art and the cited references do not disclose every limitation of the claimed invention.

Dadson discloses "a stem CB, and two arms AB and BD." (Col. 4, lines. 53-54.) Dadson also discloses a "connector 60 [that] mates with the patient's catheter connector." (Col. 5, lines. 66-67.) Dadson further discloses that "[o]ne form this invention is constituted by a package which contains the "Y" set." (Col. 5, lines. 61-62.) The Examiner alleges that Lee teaches "to use an organizing means arranged to organize the line set such that no part of the line set extends across another part of the line set." (Office Action at 3.)

Contrary to the Examiners assertions, however, Lee does not teach "organizing means configured to organize the line set such that no part of the line set extends

across another part of the line set" as recited in independent claim 1. For example, Lee discloses a clip that may be used at a bed side of a patient in a hospital. (see col. 1.) The clip is adapted to organize separate tubings from various sources and various destinations around and on the patient. (Col. 1 and col. 2, lines. 47-49.) Thus, the separate tubings are not connected to each other and included in a "line set," as recited in claim 1.

Additionally, Lee discloses that the clip holds the tubings at a distance from each other in a specific position. (see Abstract.) However, it is possible that the flexible tubings extend across each other at a distance from the clip. The clip alone cannot be defined as "an organizing means configured to organize the line set such that no part of the line set extends across another part of the line set." Furthermore, the clip of Lee is not adapted to be used in "a package," and especially not in a package for use in a "package for use in a peritoneal dialysis treatment," as recited in claim 1.

Because Lee does not disclose "organizing means configured to organize the line set such that no part of the line set extends across another part of the line set," as asserted by the Examiner, the Examiner has not ascertained the proper scope and content of the prior art. Moreover, the cited references do not disclose or suggest every limitation of the claimed invention. Thus, claim 1 is allowable over the cited references. Accordingly, Applicant requests that the Examiner withdraw the rejection of claim 1. Because claims 2 and 3 properly depend from claim 1, claims 2 and 3 are also allowable and the rejection of claims 2 and 3 should also be withdrawn.

Applicant traverses the Examiner's rejection of claims 27-29 as being unpatentable over Dadson in view of Lee at least because the Examiner has not

determined the proper scope and content of the prior art. Dadson discloses "a stem CB, and two arms AB and BD." (Col. 4, lines. 53-54.) Dadson also discloses a "connector 60 [that] mates with the patient's catheter connector." (Col. 5, lines. 66-67.) Dadson further discloses that "[o]ne form this invention is constituted by a package which contains the "Y" set." (Col. 5, lines. 61-62.) The Examiner contends that Lee teaches "that it is known to use an organizing means to organize the line set such that no part of the line set extends across another part of the line set." (Office Action at 5.) Applicant disagrees.

Contrary to the Examiners assertions, Lee does not teach "the step of organizing the line set such that no part of the line set extends across another part of the line set," as recited in independent claim 27. As discussed above, Lee discloses a clip that may be used at a bed side of a patient in a hospital. (see col. 1.) The clip is adapted to organize separate tubings from various sources and various destinations around and on the patient. (Col. 1 and col. 2, lines. 47-49.) Thus, the separate tubings are not connected to each other and included in a "line set," as recited in claim 27.

Additionally, the clip of Lee holds the tubings at a distance from each other in a specific position. (see Abstract.) However, it is possible that the flexible tubings extend across each other at a distance from the clip. Thus, Lee does not teach "the step of organizing the line set such that no part of the line set extends across another part of the line set." Furthermore, the clip of Lee is not adapted to be used in "a package", and especially not in a package for use in a "package for use in a peritoneal dialysis treatment," as recited in claim 27.

At least because Lee does not disclose "the step of organizing the line set such that no part of the line set extends across another part of the line set," as asserted by the Examiner, the Examiner has not ascertained the proper scope and content of the prior art. Moreover, the cited references do not disclose or suggest every limitation of the claimed invention. Thus, claim 27 is allowable over the cited references. Accordingly, Applicant request that the Examiner withdraw the rejection of claim 27. Because claims 28 and 29 properly depend from claim 27, claims 28 and 29 are also allowable and the rejection of claims 28 and 29 should also be withdrawn.

Examiner rejected claims 36-39 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Dadson. While Applicant does not agree with the Examiner's rejection of claims 36-39, Applicant has canceled claims 36-39, thereby rendering this rejection moot. Accordingly, Applicant requests that the Examiner withdraw this rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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